

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

AMERICAN ACQUISITION, LLC,	:	CIVIL ACTION NO. 1:09-CV-0017
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
SPFF, LLC and	:	
SALVATORE T. PELLERITO,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 8th day of January, 2009, upon consideration of the complaint for confession of judgment (Doc. 1)¹ on promissory notes (Doc. 1, Exs. 2, 5) and commercial guaranties (Doc. 1, Exs. 4, 6) executed by defendants, and of the notices of judgment (Docs. 5, 6) submitted by plaintiff for certification and issuance by the Clerk of Court, and it appearing that the complaint and exhibits attached thereto satisfy the requirements for entry of a confessed judgment under Rules 2951(b) and 2952 of the Pennsylvania Rules of Civil Procedure, see PA. R. Civ. P. 2951(b), 2952 (establishing pleading requirements for a complaint for confession of judgment):

¹Plaintiff brings the instant matter pursuant to the court's diversity jurisdiction under 28 U.S.C. § 1332. "In a non-federal matter, the question of whether a confessed judgment may be taken is one of substantive law for purposes of the Erie doctrine." Sheet Metal Workers Local 19 v. E. Coast Mech., Civ.A. No. 92-2066, 1992 WL 103012, at * (E.D. Pa. May 7, 1992) (quoting 6A JAMES W. MOORE, ET AL., MOORE'S FEDERAL PRACTICE ¶ 58.09 at 58-75 (2d ed. 1991)).

1. The Clerk of Court is instructed to enter JUDGMENT in favor of plaintiff and against defendants in the amount of \$2,342,592.02 based upon the following calculations:
 - a. On the promissory note (Doc. 1, Ex. 2) and commercial guaranty (Doc. 1, Ex. 4) dated October 6, 2005, the following amounts:

Principal	\$ 1,825,319.10
Interest to 12/30/08	\$ 23,282.59
Late charges	\$ 1,000.00
Costs of Suit	\$ 175.00
Attorney's Fees	\$ <u>184,860.16</u>
JUDGMENT as of 12/30/08	\$ <u>2,034,636.85</u>
 - b. On the promissory note (Doc. 1, Ex. 5) and commercial guaranty (Doc. 1, Ex. 6) dated April 12, 2006, the following amounts:

Principal	\$ 274,828.21
Interest to 12/30/08	\$ 4,470.71
Late charges	\$ 551.36
Costs of Suit	\$ 175.00
Attorney's Fees	\$ <u>27,929.89</u>
JUDGMENT as of 12/30/08	\$ <u>307,955.17</u>
2. The Clerk of Court is instructed to certify and transmit the notices of judgment (Docs. 5, 6), together with a copy of the judgment and this order, to defendants via first class mail at the addresses appearing in the notices. See PA. R. Civ. P. 236(a)(1).
3. The Clerk of Court is instructed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge